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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Baxter International Inc.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91150298
)	Serial No. 76/151,380
Inviro Medical Devices Ltd.,)	
)	
Applicant.)	

10-14-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #78

BAXTER'S ANSWER TO INVIRO'S COUNTERCLAIM FOR CANCELLATION

In response to the counterclaim allegations presented in Applicant's Amended Answer (which was filed as Exhibit A to its Motion to Amend Answer and Add Counterclaim, filed on December 10, 2002), which is now of record in accordance with the Board Ruling of September 25, 2003, Opposer, Baxter International Inc. answers in the following manner:

15. Opposer Baxter International Inc. has asserted three INTERLINK trademark registrations in this opposition, i.e., Registration Nos. 1,721,708, 1,812,016, and 1,821,178.

ANSWER: Admitted.

16. On information and belief, Baxter has licensed various third parties to use the INTERLINK trademark that is the subject of the foregoing three registrations.

ANSWER: Admitted.

17. On information and belief, Baxter has failed to exert quality control over the licensed third parties' usage of the INTERLINK trademark and the corresponding third parties' goods and/or services.

ANSWER: Denied.

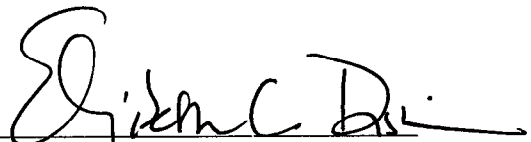
18. On information and belief, Baxter's failure to exert quality control amounts to the improper "naked licensing" of its INTERLINK trademark. As a result, the three

INTERLINK registrations, i.e., Registration Nos. 1,721,708, 1,812,016, and 1,821,178 should be cancelled.

ANSWER: Allegation calls for a legal conclusion. Baxter denies naked licensing.

Respectfully submitted,

Date: Oct. 9, 2003

By: 

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CERTIFICATE OF MAILING

I hereby certify that **BAXTER'S ANSWER TO INVIRO'S COUNTERCLAIM FOR CANCELLATION** is being deposited (in triplicate) with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Trademarks, 2900 Crystal Drive, Box TTAB NO FEE, Arlington, Virginia 22202-3514.

Date: 10/9/2003

Jessica T. Huth

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of **BAXTER'S ANSWER TO
INVIRO'S COUNTERCLAIM FOR CANCELLATION** was served via first class mail
on 10/9/2003, to:

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Jessica T. Hitt